

**PASATIEMPO BOARD OF TRUSTEES**  
**MINUTES OF MEETING**  
July 18, 2018  
**Hollins House**

CALL TO ORDER

A regular meeting of the Board of Trustees, Pasatiempo Homeowners Association, was called to order at 6:30 PM by President Matt James.

Trustees Present: Matt James, Linda Oster, Linda Armstrong, Joellen Pelz and Ken Woodward

Trustees Absent:

Others Present: Martha Andersen, Andersen and Daughters "AnD" Property Management, Nancy and Bob Rader, Tom and Debi Rahe, Nancy Geyer, Nancy Morgan, Vanessa Rath and Andrew Hansen

MINUTES

Minutes of the June 20, 2018 Trustees Meeting were unanimously Approved, 4-0 with one abstention (Pelz).

ANNOUNCEMENT OF ELECTION RESULTS

Matt James	80
Chris Hanson	1
James Fay	1
Melody Russell	1
Jennifer Gogan	1
David Mills	1
Mike McClellan	1
Joe Moses	1
Larry Williams	1
Jack Ritchey	1

Matt James is re-elected for a three- year term ending in 2021. Trustees agreed to appoint another member for the second vacancy at their August meeting.

APPOINTMENT OF OFFICERS AND CHAIRPERSONS

Trustees agreed to defer these appointments until their August meeting.

SECURITY REPORT

**First Alarm Report**

Andrew Tringali provided the following report: For the month of June there were 2 calls for assistance, 3 house checks, 0 disturbances, and 0 suspicious persons. The homeless encampments are clear.

Andrew provided a recap of visitors for the two-month period ending July 11, 2018.

Construction	246
Restaurant	889
Golf	1114
Fed Ex/UPS	90
Landscaping/Housekeeping/Pool	253
Bicycles	12
Inc Workers and Employees	150
Open Houses	71
Weddings	113
Did Not Stop	226

The guard at the gate will provide flyers to visitors advising them the speed limit within Pasatiempo is 15 mph (with the exception of Pasatiempo from the gate to Clubhouse Road).

The patrol closing the pool is experiencing difficulties with rolling the cover, Progressive Pool will evaluate and provide a solution.

### **FINANCIAL REPORT**

Joellen provided the following financial report for the month of June:

The Balance sheet as of June 30, 2018 shows total cash in bank of \$862,104 all of which is in interest bearing accounts.

For the period ending June 30, 2018 total operating expenses were \$122,028 versus budget of \$144,762. Total reserve expenses were \$65,558 versus budget of \$157,315. Total expenses are \$191,974 versus budget of \$302,077. It should be noted that the slurry seal was postponed until this Fall due to weather, camera work on the remaining Pasatiempo drains has been completed but not yet invoiced.

Total Past due in Receivables -\$19,259 however \$13,019 is considered current (Panorama Lane Road fees and pool cards).

### **ORAL COMMUNICATIONS**

The owners of 12 Panorama Lane have acknowledged damage caused by their machinery to Pasatiempo Drive from Sims Road to Panorama Lane. They are proposing a sand slurry to repair the damage. Chuck Michaelis has inspected the damage and is concerned that this application may not fill the gouges in the speed bumps. The scope of work proposed by 12 Panorama will be provided to him for his review. Panorama Lane LLC further proposes to do the work at the same time they apply a slurry seal to Panorama Lane.

Linda O requested the owners of the Inn be reminded that trash day is Tuesday and refuse containers from the Gate House should be put out then. Recently the cans were placed curbside on Wednesday and varmints got into them strewing trash etc along the roadside.

Matt suggested Inc consider installing a walking path on Pasatiempo between the 16<sup>th</sup> green and the Dykstra residence. Pasatiempo is quite narrow and the path will provide an area for walkers to get off the road.

## **INC**

No report.

## **WEBSITE/NEWSLETTER**

A newsletter will be going out next week.

## **CERT**

Martha is waiting for Roger to provide an article in the newsletter regarding mobilization procedures during an emergency.

## **GATES**

The tines on the Sims Road gate as well as the bollard will be straightened out by Panorama Lane LLC when they do the repairs to the road.

South Bay Access will be again reminded to report on the status of a blue tooth system to operate the gates.

Members present requested that the main entry gate open when activated by the telephone entry system and not the resident gate as it is too difficult to maneuver your vehicle to the resident gate.

## **BUILDING & DEEDS**

### **Applications:**

**23 Eastridge.** Application to replace existing roof with new composition roofing, replace existing windows with new dual pane windows, install new septic tank, construct new retaining walls and construct new garage. Application is tabled pending Architectural Review.

**65 Pasatiempo.** Application to repaint the exterior, replace existing windows, fence in yard with a privacy and deer fence and add small lawns in front. Application is approved, 5-0, however Trustees requested the applicant be apprised of the County code relative to the height of front yard fencing.

**8 Ridge Lane.** Application to convert Artist's Studio to an ADU. Section E of the Basic Restrictions states that no more than one kitchen can be constructed on any lot within Pasatiempo except that a cottage for guests or servants may be constructed.

**Neighborhood Review held at 6:00 PM,** prior to this evening's meeting a Neighborhood Review was held to discuss this change.

Attending this meeting was Tom Rahe, Bob and Nancy Rader, Vanessa Rath, Andrew Hansen, Nancy Geyer, Nancy Morgan, Linda Armstrong, Ken Woodward, Linda Oster, Joellen Pelz and Matt James.

Linda Armstrong, Chairperson of Building and Deeds, explained the purpose of this meeting was to gather information that the Board would consider during their regular meeting.

The original application was presented to the Board in April 2014 consisting of a 2,472 SF residence, a 576 SF Art Studio and an 864 SF garage. The permit issued by the County of Santa Cruz authorized this construction with the caveat that a Declaration of Restriction to construct a habitable accessory structure with a toilet (Conditions of Approval, Exhibit D, IV B) "shall not be rented, let or leased as a second unit". At our May meeting Tom Rahe requested permission to install a shower which would then convert the Artist's Studio to an ADU (County requirement). He stated that he had not decided what he was going to do with the house when it was completed, however he

would abide by what the Basic Restrictions say regarding this cottage. He also stated that he had always wanted an ADU, but wasn't able to construct one. Now that County Code has changed, he would like one.

Concerns were again expressed about rental of the ADU, our Basic Restrictions (Section D) prohibits the rental of the cottage (ADU), however members present questioned who was going to regulate it.

Peter Bagnall, the association's architect, suggested additional landscape screening and that the Board consider the implications of approving an ADU.

During the regular Board of Trustees meeting Matt outlined the Board's approach to the application. Section E is quite specific in stating there is only to be one kitchen per lot. Had the developer of Pasatiempo wished to provide an exception for cottages, he/she would have included that fact that it isn't included is important. Servants were to use the kitchen in the main house. Prior boards have approved two exceptions to this rule, however the current board does not need to perpetuate the mistake. We don't know whose interpretation is correct and this Board needs to come to their own decision. As such the Board requested an opinion from the law firm who is re-stating the Basic Restrictions. They concur that the association's legal documents permit only one kitchen per lot.

Matt continued, noting he does not represent the Board of Trustees in this matter, he is acting as a Trustee trying to evaluate the situation by reviewing professional opinions on the matter. Board members have to ask themselves what is the right answer. Nothing should be inferred or implied by any interpretation of the Basic Restrictions, what should be considered is what they say.

Debi Rahe commented there seems to be some sort of prejudice involved in the review of their application. If others were approved because they involved satisfying the future housing needs of relatives and she and Tom agree to the same usage, why won't the Board approve their application. Matt responded we don't know the entire circumstances of these other approvals. It is the opinion of counsel that there is only one kitchen permitted on any one lot and if mistakes were made in the past they don't need to be continued. The Board must act in conformance with the rules. Matt also noted that the Board could conditionally approve the application with the provision that the ADU not have a kitchen but could have a shower.

Trustees by a vote of 4-0, one abstention Oster, agreed to deny the application for an ADU. They further agreed they had no objection to the installation of a shower and were prepared to provide a letter to the Rahe's which stated that pursuant to our Basic Restrictions, a second kitchen is not permitted on any lot. However the Board endorsed the application for a shower.

## **ROADS**

Martha has met with Chris Hanson, Sanco Pipe, and Chuck Michaelis, retired Granite Project Manager, to review the drainage report. Sanco will return to finish videoing the remainder of the drains and clear the four drains which have blockages. Chris is concerned that several of the repairs required will need evaluation by both a civil engineer and a geo technical engineer due to their proximity to individual residences. Most work will be deferred until next year, however there are four drains which require more immediate attention. Once the camera work is completed a copy of the video will be provided to the Civil and Geo Technical Engineers for their review and evaluation. Repairs will then be scheduled.

Chuck Michaelis will be evaluating our roads and included in this upcoming work will be some additional work on Eastridge, extending the berm on Clubhouse and filling in the deep gutter on Pasatiempo Drive (right hand side as you enter) and extending the left side gutter down to and through the maintenance road.

## **LANDSCAPING**

The owners of 75 Pasatiempo requested the Board have the acacia tree adjacent to their property, which is leaning over the road, evaluated. Ned Christianson opined that the tree has been leaning for quite some time and he doesn't see any evidence of failure. Trustees agreed to drive by the location and evaluate the situation with further discussion to be held at the August meeting.

## **SWIMMING POOL**

Martha advised rodents are prevalent this year and the Pied Piper has set traps to contain them. Parks Construction will be closing all access points in the kitchen and men's locker room.

Matt mentioned Morgan Lukina was interested in developing a piece of the pool environs as a play area for small children. Martha advised insurance companies have very specific guidelines for playgrounds. Waivers must be signed by all participants, regular inspections made, the area must be fenced off with a locked gate, rules posted and other restrictions. She will include the "list" in next month's meeting packet.

## **SOCIAL COMMITTEE**

There were around 80 attendees for the 4<sup>th</sup> of July Parade and BBQ. The weather was overcast and the following day the pool was jammed.

Joellen is planning a Community night on September 16th, she hoping to have the History Club and CERT in attendance and provide an opportunity for new residents to meet their neighbors. Weekly, on Tuesday, there is a Ladies Night at the pool beginning at 6:30.

Linda Oster advised the monthly Sunday night BYOB BBQ would begin August 5<sup>th</sup>. She provides the plates and the coals, residents are encouraged to bring something to grill and drink and a dish to share. Martha will email residents regarding the upcoming events (Ladies night, BYOB and Community night) and request that any resident wishing to opt out of these reminders to please let her know.

## **SECURITY**

Joellen noted First Alarm's flyer regarding the speed limit within PHA was incorrect as it stated it was 25 mph. It's important to be aware the speed limit within PHA is only 15 mph except as noted (from the main gate to Clubhouse Road).

Trustees agreed to change the opening and closing times of the front gate to 9:00 PM to 6:00 AM. A gate code will be provided to Inc employees that permits access only between the hours of 4:00 AM and 6:00 AM.

## **HOMELESS ENCAMPMENT ALARM SYSTEM**

Trustees are waiting for a map from First Alarm which would indicate to them the possible locations for the alarm system. Jim Geary, South Bay, is working with Ritch Haselden on the hardware.

## **NEW BUSINESS**

**Basic Restrictions**

Linda Armstrong and Joellen Pelz have met and provided a summary of the discussions held regarding restating the existing Basic Restrictions. Trustees will review their proposed questionnaire material at their August meeting.

Martha will contact Berding and Weil to determine the status of a ballot which changes the voting power required by the association from 2/3 of all owners to 2/3 or all owners voting.

**ANNOUNCEMENTS**

The next scheduled meeting is August 15, 2018.

**ADJOURNMENT**

There being no further business to bring before the associations regular Board of Trustees meeting, upon motion the Board of Trustees Meeting was adjourned at 8:00. The Board then met in a brief Executive Session to discuss a mediation settlement.

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Matt James, President

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Martha Andersen, Recording Secretary